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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written submission by the Azerbaijan: Human Rights Commissioner (Ombudsman)*

Note by the Secretariat

The Secretariat of the Human Rights Council hereby transmits the communication submitted by the Azerbaijan: Human Rights Commissioner (Ombudsman)**, reproduced below in accordance with rule 7(b) of the rules of procedures described in the annex to Council resolution 5/1, according to which participation of national human rights institutions is to be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005.

* National human rights institution with "A"-status accreditation from the Global Alliance of National Institutions for the Promotion and Protection of Human Rights.

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Annex

[English only]

Submission by the Azerbaijan: Human Rights Commissioner (Ombudsman)

The Statement of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan on children and armed conflict

Ensuring peace and non-violence in the world is a key factor for realization of human rights of people. Despite global efforts towards peace and security made by international organizations, unfortunately, people still suffer from gross violation of human rights as a result of armed conflicts today.

Considering harmful and long-term consequences of armed conflict on children and the fact that the rights of children require special protection, defending them from natural and manmade disasters, wars and armed conflicts and ensuring their development and education in conditions of peace and security is very important.

The role of National Human Rights Institutions in better protection of children in every country is very crucial, as all children should grow up in an atmosphere of love, peace, tolerance and equality.

Sustainable Development Goals (SDGs) of the 2030 Agenda for Sustainable Development adopted by world leaders in September 2015 at the UN Summit aim to significantly reduce all forms of violence, and work with governments and communities to find lasting solutions to conflict and insecurity. Ending abuse, exploitation, trafficking and all forms of violence against and torture of children is one of the targets towards implementation of SDGs.

According to the relevant Presidential Decree of Azerbaijan, National Coordinating Council on Sustainable Development of Azerbaijan Republic was set up and Ombudsman Office is represented in 3 working groups established within that council.

Children in the world suffered from armed conflicts both as combatant (unlawfully recruited, used in hostilities or otherwise associated with armed forces or armed groups) and civil citizens.

During conflict as a result of Armenian aggression against Azerbaijan, no child was recruited or involved in armed forces in our country by respecting for existing international and national legal norms. But children got tormented from atrocities as civil, innocent group of population.

Gross violations of the rights of children are observed during armed conflict based on the territorial claims of Armenia that have been lasting over 25 years and resulting in occupation of the twenty percent of the country territories, including seven surrounding districts. As a consequence, over one million of the Azerbaijani people became refugees and internally displaced persons, whose fundamental rights and freedoms were severely violated.

According to the official statistics, one third of them are children and teenagers, and most of them lost one or two parents. Many of them were killed or injured, became disabled, victims of torture, including rape and other forms of sexual violence and abuse.

One of the bloodiest events of this war was an act of genocide, committed by Armenians at the night from 25th to 26th February of 1992 against the population of Khojaly, when they destroyed and burned this historical and ancient settlement.

During the Khojaly genocide, 613 people, including 106 women, 63 children and 70 older people were killed; hundreds of people were severely injured; 1275 people were taken hostages. 8 families were totally exterminated, 25 children lost both, whereas 130 children lost one parent; captives and hostages were subjected to merciless torture. Human rights of those people, especially the fundamental right to life, were grossly violated.

This massive killing of human beings, committed by the Armenian invaders, unambiguously, is an act of genocide due to its unimaginable cruelty and tortures. All elements of the crime of genocide applied in Khojaly are fully in compliance with the legal definition of genocide enshrined in the UN Convention on the Prevention and Punishment of the Crime of Genocide from the 9th of December 1948.

According to the Order of the President of the Republic of Azerbaijan on the 25th Anniversary of Khojaly Genocide, plan of actions was approved and actions are being implemented.

Despite of cease fire regime from 1994 up to now Armenian side violates terms of this agreement; sets fire regularly, damages by shooting not only military servants, but also civilians at the boarders.

On 8 March of 2011 a nine-year-old boy Fariz Badalov, who was shot in the head by Armenian sniper in the yard of their home, from the occupied territory of Aghdam district, also on 14 July, 2011, 13-year-old girl Aygun Shahmaliyeva from Tovuz district, who was killed by explosive installation set to toy, became next victims of Armenian aggression additionally to long list of children – victims of war, who will never more grow up. It is a horrible act of not only Armenian policy against Azerbaijan aimed at ethnic cleansing and territorial claims, but also of international war history.

All of this is a violation of provisions of the UN Convention on the Rights of the Child and its Optional Protocol on the Involvement of Children in Armed Conflict, Geneva Convention on Protection of war victims and its Optional Protocols.

Resolutions, passed by United Nations Security Council (822, 853, 874, 884 numbered) in 1993, which demand unconditional liberation of the occupied territories, UN General Assembly Resolution titled "Situation on the occupied territories of Azerbaijan" dated on March 14, 2008, Resolution 1416 from 2005 and Recommendation 1669 from 2009 of the Parliamentary Assembly of the Council of Europe (PACE) have not been fulfilled till now.

The European Parliament Resolution of 23 October, 2013 on Nagorno-Karabakh also re-affirms the support of just position of our State by the international community and the fact of occupation. This document denotes once again the importance of the settlement of the Nagorno-Karabakh conflict in conformity with the UN Security Council relevant Resolutions of 1993 that requires immediate, unconditional and total withdrawal of all occupant forces out of the territories of Azerbaijan. Regrettably, no relevant actions have been taken yet and the historical territories of Azerbaijan are still under the occupation.

Every year the Commissioner for Human Rights of the Republic of Azerbaijan submits statements on Armenian aggression, Khojaly genocide, 31 March genocide of Azerbaijanis and tragedy of 20 January, 1990 to international organizations, as well as the Ombudsmen of different countries, embassies. However, unfortunately, all these facts against the Azerbaijani civilians, including Khojaly genocide has not yet got its legal-political assessment, the planners, organizers and the committers of those crimes were not prosecuted and punished.

One of the important events on this issue is International Conference on "Protection of child rights in emergencies and the role of National Human Rights Institutions" organized

by the Commissioner in 2009 with the support of the Ministry of Emergency Situations and the Ministry of Ecology and Natural Resources. Baku declaration on "Protection of child rights in emergencies and the role of National Human Rights Institutions" was prepared at the end of the Conference. The issues of the protection of children's rights in emergencies, including the conditions of children in armed conflicts were broadly discussed with the participation of Children's rights Ombudsmen and international experts from different countries, video shots on occupation of the Azerbaijani Land by Armenia and Khojaly massacre were shown to the conference participants. It should especially be noted that children themselves took part in this conference and made speeches on the problem of protection of the rights of children in armed conflicts, refugee children and made art exhibition on this topic.

Within the framework of the "Child Year" announced in accordance with relevant Decree of the President of the Republic of Azerbaijan, on the eve of the anniversary of Khojaly massacre, on the initiative of Ombudsman, together with the Ministry of Education, signature collection campaign was held among children under the motto "We are Peace Envoys! Join us!" in order to deliver the truth about Azerbaijan to the world community and signatures of 310 000 school students, including refugee children, were collected in the lists which were forwarded to the UN Special Representative of the Secretary-General for Children and Armed Conflict.

Protection of the rights of refugee and internally displaced children is also enshrined in the first specialized report on children's rights of the Commissioner of Azerbaijan that has been sent to appropriate governmental bodies, UN CRC Committee, Council of Europe, ENOC, national and international NGOs on child rights. The report provides comprehensive information about the activity of the Ombudsman Office on children's rights since the beginning of its functioning, state policy on children's rights, international and national legislation in this field, proposals and recommendations aimed at better protection of children's rights.

This year the second specialized report on children's rights of the Commissioner of Azerbaijan is also being prepared to be dedicated to the 25th anniversary of ratification of CRC Convention, 15th anniversary of ratification of its two Optional Protocols.

Complementary report to the third and fourth periodic reports of the Republic of Azerbaijan prepared by the office was submitted to the UN CRC Committee in 2011.

Now we are in the process of making consultations with civil society and international organizations regarding preparing complementary reports on International Covenant on Economic, Social and Cultural Rights, Convention on the Rights of the Child, Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography, to be submitted to the related treaty bodies in the beginning of 2018.

We believe that each person from world community should condemn the inhuman acts resulted in killing of innocent children and in fact being directed against all children worldwide, also, take measures for raising their protest and preventing such cases in any country.

In general, for the better protection of world children from armed conflicts we propose to make joint efforts in taking legal measures for prohibiting compulsory recruitment of children into armed forces, also criminalize such practices conforming to CRC and its Protocols; adopting reintegration programs for the families of civil children suffered from armed conflicts; taking feasible measures for protecting refugee, internally displaced, hostage, disabled, uprooted children, child victims of trafficking, sexual exploitation and abuse; working out the tools for monitoring and evaluation of the status and needs of children suffered from armed conflicts, improving the conditions of education and health

services for them; promoting peace building activities and lobbying for culture of peace with the participation of children.